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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,220	08/28/2003	Andrew R. Ferlitsch	J-SLA.1348	7115
55428	7590	06/29/2007		
ROBERT VARITZ 4915 SE 33RD PLACE PORTLAND, OR 97202			EXAMINER PHAM, THIERRY L	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 06/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/650,220

Applicant(s)

FERLITSCH, ANDREW R.

Examiner

Thierry L. Pham

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/28/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2625

DETAILED ACTION

- This action is responsive to the following communication: Nonprovisional application filed on 8/28/03.
- IDS filed on 8/28/03 has been considered and herein attached (PTO 1449) with office action.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because fig. 1-2 are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "driverless" as cited in preamble of claims 1-2 are confusing and unclear. The original filed specification does not clearly define what "driverless" represents. The examiner has searched the entire specification and can only locate the term "driverless" in abstract and in claims 1-2. Clarification is herein required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore (US 6952831).

Regarding claim 1, Moore discloses a driverless (driverless, col. 6, lines 3-55). direct-printing (direct-printing, fig. 3) method implementable between a client computer (personal computer 100, fig. 3) and a selectable direct-printing-enabled printer (printer 90, fig. 3) which is operatively connected to the computer, said method comprising

utilizing the client computer, discovering, with respect to such printer, the actual, current printing capabilities (discover and obtain printer's capabilities, col. 6, lines 3-55) thereof, and the related printing settings (print settings, col. 6, lines 3-55) associated therewith, required for client-computer invocation of those capabilities and settings, and

at a point in time following that discovering, and on the occurrence of a request to the client computer for the undertaking of a direct-printing print job regarding a selected job document having an associated native format (document format, col. 6, lines 3-55), appropriately dynamically configuring the client computer to generate, prepare and communicate (generate, prepare, and communicate print requests from client to printer, col. 6, lines 3-55) that job document, in its native format, for direct printing by that printer utilizing the discovered actual current printing capabilities and related, associated settings for that printer.

Regarding claim 2, Moore further discloses driverless method implementable by a client computer in an associated network to enable client-invoked direct printing (direct-

Art Unit: 2625

printing, fig. 3) of a print-job document in its native format by a selected one of accessible direct-printing-enabled printers (printers 90, fig. 5) comprising

initiating, from the client computer, a printer-information discovery process to ascertain (a) the identities (GDP file 102 contains identity of printer, col. 6, lines 3-55) of any such network-connected printers, and (b) the actual, specific, current performance capabilities and related operational settings (GDP file 102 also contains printer's capabilities, col. 6, lines 3-55), of the respective, so-identified printers,

following said initiating and ascertaining, creating an identified-printer database (storage memory, col. 7, lines 35-60) containing the respective ascertained capabilities and settings, and

on the basis of a request being placed with the client computer for the implementation of a direct-printing job regarding a selected job document which has an associated native format (document format, col. 6, lines 3-55), and utilizing printer-specific information regarding capabilities and settings contained in the created database, dynamically configuring, generating and communicating that job document, in its native format, for direct printing by a selected one of the identified printers.

Regarding claim 3, Moore further discloses the method of claim 2, wherein said configuring, generating and communicating are collectively enabled/accomplished (1) by the pre-constructing, for use in and by the client computer, of a collection of available, dynamically configurable, inter-relatable, direct-printing-associated functional modules including (a) a printer discovery module (col. 6, lines 3-55), (b) a print menu selection module (fig. 4), (c) a job control generation module (fig. 4), (d) a print job construction module (fig. 4), and (e) a scheduling/spooling/despooling module (fig. 4), and (2) by then dynamically configuring and employing these modules, as appropriate, and in relation to information contained in the created database, to effect the carrying out of the requested direct-printing job (print settings as shown in fig. 4).

Art Unit: 2625

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

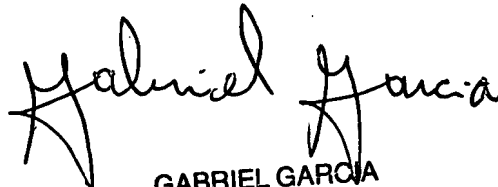
- US 20020138564 to Treptow et al, teaches a well-known example of driverless printing method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER